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S E C R E T SECTION 01 OF 02 KABUL 000976

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SENSITIVE

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TAGS: [KDEM](#) [PGOV](#) [AF](#)

SUBJECT: PRESSING KARZAI ON DECREE TO PROHIBIT OFFICIAL
INTERFERENCE IN ELECTIONS

REF: A. KABUL 0922

[B](#). KABUL 0431

[C](#). 2008 KABUL 3177

Classified By: Charge d'Affaires Francis Ricciardone for
reasons 1.4 (b) and (d).

[1](#). (SBU) President Karzai is considering, but has not yet signed, a draft decree to prohibit political interference by Afghan security forces in the upcoming presidential and provincial council elections. In separate meetings last week with SRAP Richard Holbrooke and the Charge, Karzai promised to issue a strong decree that would help assure the opposition and the international community that the government would curb unfair involvement of government officials in political campaigns (ref b). The language in the current draft is weak, and shows no signs of inspiration by the U.S. models the Charge provided Karzai last week. The current draft would not meet our objective of leveling the playing field. Worse, it evidently aims to constrain the legitimate involvement of the international community in supporting free and fair elections and a level playing field.

We are continuously engaging Afghan authorities at all levels, starting with Karzai, to make clear we expect clear and strong direction from the government to its officials on refraining from influencing the course or conduct of the electoral process. A strong decree (or decrees) in the near term will be part of that strategy. Additionally, it is our high priority, in the lead up to and through the election, to work with all stakeholders to persuade relevant parts of the government to implement concrete steps to establish a level playing field. The full text of the draft decree as of April 19 is in paragraph 8.

[2](#). (S) At Charge's intervention, Karzai agreed late on April 18 to refrain from signing the current draft decree pending a line-by-line review with us.

[3](#). (SBU) As previously reported, many in the opposition fear Karzai will co-opt government resources and influence to benefit his election campaign. Likely presidential candidates have requested international support to commit Karzai to a free, fair, open, and transparent election process (ref c). The Independent Election Commission, for example, recently published campaign finance regulations (ref a) to forbid the use of public resources for any one candidate. Government resources must be given to all candidates equally or be withheld across the board. The newly-constituted Electoral Complaints Commission (ECC) is investigating possible enforcement mechanisms for campaign finance and other electoral offenses in conjunction with Attorney General Aloko.

[4](#). (SBU) The draft presidential decree, if or when published, would represent Karzai's first act to address level playing field concerns. Karzai promised to SRAP Richard Holbrooke and the Charge to issue a decree with strong direction to all government officials to refrain from influencing the course or conduct of the electoral process.

Karzai has drafted but not yet signed such a decree. (We obtained a copy of the draft decree informally and without GIROA authorization.) It is weak, using only the vague call to "avoid interference," and only pertaining to security forces, and not to all government officials. A 2005 decree with a similar purpose clearly stated all government officials must avoid a wide range of specifically cited activities, providing a stronger set of guidelines.

¶5. (SBU) At a strategic level, the Embassy is engaged with Afghan authorities at all levels, starting with Karzai, to make clear we expect clear and strong government direction to ensure a level electoral playing field. To demonstrate the U.S. commitment to these principles at home, the Charge has passed copies of the Hatch Act, the McCain-Feingold Act and supporting regulations and guidelines from the Federal Election Commission and the Office of the Special Prosecutor to the Palace and supporting government offices. These include Minister of Interior Atmar, Minister of Foreign Affairs Spanta, Minister of Justice Danesh, NDS Director Saleh, IDLG Director Popal, NSA Dr. Rassoul, Attorney General Aloko, and Supreme Court Chief Azimi. At the April 19 Joint Coordination Monitoring Board, Charge called on the membership to join in consultations with GIROA to strengthen the forthcoming Presidential decree.

¶6. (SBU) Tactically, the final outcome of this first Presidential decree will be important, but more critical will be its implementation. We also are working with all stakeholders (including the international community, civil society, representatives of the opposition, etc.) to persuade relevant parts of the government to implement concrete steps

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to establish a level playing field. We are speaking directly with Afghan agencies on guidelines for conduct of their own officials. An important confidence building measure will be persuading the government to engage directly with representatives of the opposition to agree to measures to level the playing field. (Karzai himself has told us he is in close touch with many of his potential and declared opponents, but it is clear that his focus is on political bargaining rather than on cooperation in support of the legitimacy of the elections.)

¶7. (SBU) We are consulting with the opposition for their possible suggestions for further measures. Meanwhile, we continue to urge Karzai to produce a series of gestures, including gazetting the media law and permitting candidates legitimately to raise campaign funds to reinforce the legitimacy of the election.

¶8. (SBU) An Embassy translation of the draft presidential decree follows:

Begin Text:

Decree - President of the Islamic Republic of Afghanistan regarding security and non-interference by government and non-government organizations in the Presidential and Provincial Council election process

In order to implement precisely paragraph one of article 61 of the Constitution of Afghanistan, and create safe and free environment and ensure comprehensive transparency in the Presidential and Provincial Council elections and prevent interference of any nature by government and non-government agencies, the following is approved:

¶1. The Ministries of National Defense, Internal Affairs and National Directorate of Security are advised to hold specific and extraordinary measures all over the country to provide a satisfactory environment for the elections.

¶2. Government agencies including the National Army, National Police and National Directorate of Security for the Islamic

Republic of Afghanistan are advised to strictly avoid interference of any nature in the polling centers and electoral constituencies.

¶3. The United Nations, international organizations and foreign nationals who have been invited on the agreement of the government of the Islamic Republic of Afghanistan to monitor elections should perform their duty as observers with total impartiality.

¶4. The office of the United Nations (UNAMA) and its subordinate monitoring committees, UN peace keeping forces in the country (NATO and ISAF), diplomatic missions, organizations, individuals and other foreign agencies in Afghanistan are advised to strictly avoid publishing or distributing irresponsible evaluation before or during the elections and strictly avoid any other interference that can affect the elections process.

¶5. The Ministry of Foreign Affairs of the Islamic Republic of Afghanistan is advised to monitor the activities of the observing agencies, international organizations and diplomatic missions during the election process and inform officially the Electoral Complaint Commission (ECC) about any violation and interference in the electoral process.

¶6. The Electoral Complaint Commission is advised to assess the violators after recognition through the polling centers of the electoral constituencies, the Ministry of Foreign Affairs and other relevant agencies and if needed, refer them to judicial organizations for prosecution.

¶7. This decree shall be implemented after being signed by the President and its enforcement is the responsibility of the Independent Election Commission.

Hamid Karzai, President of the Islamic Republic of Afghanistan

END TEXT
RICCIARDONE